

**FORFEITURE NOTICE
IN THE UNITED STATES
DISTRICT COURT
FOR THE MIDDLE DIS-
TRICT OF ALABAMA
EASTERN DIVISION**

UNITED STATES OF
AMERICA

v.

BRIAN V. CLARK

CR. NO. 3:06cr030-WHA

**NOTICE OF
CRIMINAL FORFEITURE**

Notice is hereby given that on January 5, 2007, the United States District Court for the Middle District of Alabama entered Preliminary Order of Forfeiture condemning and forfeiting the following listed weapon:

**One Smith and Wesson,
Model Sigma, 9mm pistol,
Serial Number PBT7281.**

The foregoing Preliminary Order of Forfeiture having been entered, the United States hereby gives notice of its intention to dispose of the above listed weapon in such manner as the Attorney General of the United States may direct. Any persons or entities, other than the defendant named above, having or claiming a legal right, title or interest in the aforementioned weapon must, within thirty (30) days of the final publication of this notice or actual receipt thereof, whichever is earlier, petition the United States District Court for the Middle District of Alabama for a hearing to adjudicate the validity of his/her alleged interest in the weapon pursuant to 21 U.S.C. § 853(n). If a hearing is requested, it shall be held before the Court alone, without a jury. Claimants will bear the burden of proof in all such cases. Petitions that fail to allege an interest sufficient to maintain a claim under § 853(n) shall be subject to dismissal without a hearing.

The petition shall be signed by the petitioner under penalty of perjury and shall identify the particular property or properties in which the petitioner claims a legal right, title or interest; the nature and extent of the such right, title or interest in each property; the time and circumstances of the petitioner's acquisition of the right, title and interest in each property; and any additional facts and documents supporting the petitioner's claim and the relief sought. See 21 U.S.C. § 853(n)(3). Corporate persons may only file claims if represented by counsel.

A hearing on the petition shall, to the extent practicable and consistent with the interests of justice, be held within thirty (30) days of the filing

of the petition. The Court may consolidate the hearing on the petition with a hearing on any other petition filed by a person other than any of the defendants named above. The petitioner may testify and present evidence and witnesses on his own behalf and cross-examine witnesses who appear at the hearing.

Your petition must be filed with the Office of the Clerk, United States District Court for the Middle District of Alabama, One Church Street, Montgomery, Alabama, 36104, with a copy thereof sent to: Assistant United States Attorney John T. Harmon - Office of the United States Attorney, Middle District of Alabama - Post Office Box 197, Montgomery, Alabama 36101-0197; telephone: (334) 223-7280.

IF YOU FAIL TO FILE A PETITION TO ASSERT YOUR RIGHT, TITLE OR INTEREST IN THE ABOVE-DESCRIBED PROPERTY, WITHIN THIRTY (30) DAYS OF THIS NOTICE, OR WITHIN THIRTY (30) DAYS OF THE LAST PUBLICATION OF THIS NOTICE, WHICHEVER IS EARLIER, YOUR RIGHT, TITLE AND INTEREST IN THIS PROPERTY SHALL BE LOST AND FORFEITED TO THE UNITED STATES. THE UNITED STATES THEN SHALL HAVE CLEAR TITLE TO THE PROPERTY HEREIN DESCRIBED AND MAY WARRANT GOOD TITLE TO ANY SUBSEQUENT PURCHASER OR TRANSFEREE.

JESSE SEROYER, JR.
UNITED STATES MAR-
SHAL
MIDDLE DISTRICT OF
ALABAMA
(Mont. Ind., Feb. 1, 8 & 15,
2007)